

### SUPPORT FOR THE AMENDMENT

Support for the amendment to Claim 1 is found in Claim 7 as originally presented. Support for claims 15 and 16 is found in claims 1, 4 and 5 as originally presented. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment Claims 1-3, 6 and 8-16 will now be active in this application.

### REQUEST FOR RECONSIDERATION

The present invention is directed to a non-aqueous electrolyte and secondary battery containing the same.

Applicants wish to thank Examiner Weiner for the helpful and courteous discussion held with their U.S. representative on February 25, 2004. The following is intended upon to expand upon the discussion with the Examiner.

Applicants wish to thank Examiner Weiner for indicating that claims 4-5, 7-8, 10-11 and 14 are allowable over the prior art of record. Applicants have now rewritten claim 7 in independent form, by incorporation into claim 1. Claims 4 and 5 have been rewritten as new independent Claims 15 and 16. As the Examiner has indicated these claims are allowable, the Examiner is respectfully requested to pass these claims to issue.

Secondary battery systems have been implemented in many areas of portable electronic devices. Issues as to rechargeability of such systems remain. Accordingly, secondary battery systems which improve upon the deficiencies of the existing systems are sought.

The present invention addresses this problem by providing a non-aqueous electrolyte and a secondary battery containing same for use in a non-aqueous secondary battery comprising a cathode containing a lithium metal complex oxide and an anode containing a

material which is capable of storing and releasing lithium. Such a non-aqueous electrolyte is no where disclosed or suggested in the cited prior art of record.

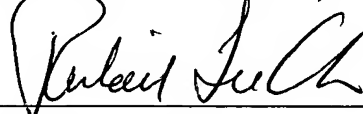
The rejection of Claims 9 and 12-13 under 35 U.S.C. § 112, second paragraph has been obviated by appropriate amendment.

Applicants have now amended Claim 9 to recite the specific compound of formula (I). In view of Applicants' amendment, withdrawal of this ground of rejection is respectfully requested.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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